

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

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CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JJM SCANNED BY: KB/b-7

Davarial M. Taylor Jr.

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Unknown Burton, Unknown Lambert, and
Unknown Berry

1:22-cv-508

Phillip J. Green

U.S. Magistrate Judge

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT

(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

Federal court Both districts

2. Is the action still pending? Yes ☒ No ☒

a. If your answer was no, state precisely how the action was resolved: resolved by

settlement all others still pending

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

a. If so, explain: _____

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Davarol Taylor Jr.
 Place of Present Confinement Bellamy Creek Prison
 Address 1727 Bluewater Highway
 Place of Confinement During Events Described in Complaint Bellamy Creek Prison

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Unknown Berry
 Position or Title RN (Nurse)
 Place of Employment Bellamy Creek Prison
 Address 1727 Bluewater Hwy.
 Official and/or personal capacity? Official Capacity

Name of Defendant #2 T. Lambert
 Position or Title HUM
 Place of Employment Bellamy Creek Prison
 Address 1727 Bluewater Hwy.
 Official and/or personal capacity? Official Capacity

Name of Defendant #3 Unknown, Barten
 Position or Title C/O
 Place of Employment Bellamy Creek Prison
 Address 1727 Bluewater Highway
 Official and/or personal capacity? Official Cap.

Name of Defendant #4 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

Name of Defendant #5 _____
 Position or Title _____
 Place of Employment _____
 Address _____
 Official and/or personal capacity? _____

III. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Do not include unrelated claims. Use as much space as you need. Attach extra sheets if necessary.

1.) The week of May 13th 2022 I was ~~Reprimanded~~ Ripped into the cell door twice in Unit By C/O Burton, on my way to and from seeing Nurse Berry. I had handcuffs on so I couldn't protect My Face or Head. I was in cell 1-232. I told Nurse Berry what had happen he refuse to listen or report it then I told Lambert and they both did nothing about the issue. When I asked why this happen to Me Burton replied "simply just a little Retaliation" This was on 1st shift Between 7-1130am. I told in a grievance they gave to Me but the grievance Never got turned in by Staff. ~~This~~ This is a violation of My 1st, 8th, and 14th Amendments. A ~~other~~ use of Force, A Failure to protect, Medical Neglect and cruel and unusual punishment. Also a Retaliation and civil Rights violation Because ~~of~~ of My Mental disability which was another reason to do this to Me C/O Burton told Me, Work Code Violations of Use of Power For personal gain, and inhumane treatment. C/O Burton unsealed My outgoing Mail while in seg. unit and when told Me "Its a Federal offence I know but so what, I do what I want, Who gon stop Me Bitch?" His justification for use of Force was to Retaliate which is a sufficiently "wanton" state of Mind. Supervisors liability for Force Physical Abuse by prison staff. I'm entitled to Notice when an outgoing Mail is rejected which violates the Searches policy as well. C/O Burton and Lambert violates Prisoners with Disability Constitutional Protections For Failure to provide adequate supervision. This was intentional Assault, infliction of Emotional Distress, Emotional Injury. I haven't been free from discrimination, Staff Responsibility

IV. Relief

State briefly and precisely what you want the court to do for you.

\$1,894,000 in Punitive and Compensatory damages ~~at~~ For Pain & Suffering, job lost For Burton and Nursing licences For Nury Berry. Also An Compassionate Release Based on Medical Vulnerability, and Risk to My Health posed by the Covid-19 Pandemic.

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

5-20-22

Date

D. Taylor Jr.
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Davarion Taylor Jr. 940436

Bellamy Creek Prison

1727 Bluewater Highway

Ionia, M.I. 48846



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U.S. District Court

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Grand Rapids, M.I. 49503